

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

ANDRE AL-TREAVES WILLIAMS-EL,

Petitioner,

v.

Civil No. 05-CV-70616-DT  
HONORABLE PAUL D. BORMAN  
UNITED STATES DISTRICT JUDGE

BARBARA BOUCHARD,

Respondent,

---

**OPINION AND ORDER DENYING THE MOTION FOR RECONSIDERATION**

Petitioner has filed an application for writ of habeas corpus pursuant to 28 U.S.C. § 2254. On March 10, 2008, this Court denied petitioner's motions for an evidentiary hearing and for discovery. The Court indicated that it would reconsider these motions if, following receipt and review of the responsive pleadings and Rule 5 materials, it felt that an evidentiary hearing or additional discovery were necessary. Petitioner has now filed a motion for reconsideration. For the reasons stated below, the motion for reconsideration is **DENIED**.

Eastern District of Michigan Local Rule 7.1(g)(3) provides that in order for a court to grant a motion for reconsideration, the movant must show (1) a palpable defect; (2) that misled the court and the parties; and (3) that correcting the defect will result in a different disposition of the case. *Sigma Financial Corp. v. American Intern. Specialty Lines Ins. Co.*, 200 F. Supp. 2d 710, 715 (E.D. Mich. 2002). A 'palpable defect' is a defect which is considered "obvious, clear, unmistakable, manifest, or plain." *Id.* As a general rule, a court will not grant a motion for rehearing or reconsideration that merely presents the same issues ruled upon by the court, either expressly or by reasonable implication. *Id.* (citing E.D. MICH. L.R. 7.1(g)(3)).

Petitioner's motion for reconsideration will be denied, because petitioner is merely presenting issues which were already ruled upon by the Court, either expressly or by reasonable implication, when the Court denied his motions for an evidentiary hearing and for discovery. *See Hence v. Smith*, 49 F. Supp. 2d 549, 553 (E.D. Mich. 1999).

**ORDER**

**IT IS HEREBY ORDERED** that the Motion for Reconsideration [Dkt. 40] is **DENIED**.

**SO ORDERED**

s/Paul D. Borman  
PAUL D. BORMAN  
UNITED STATES DISTRICT JUDGE

Dated: March 9, 2009

**CERTIFICATE OF SERVICE**

Copies of this Order were served on the attorneys of record by electronic means or U.S. Mail on March 9, 2009.

s/Denise Goodine  
Case Manager